

## Agricultural Marketing Service, USDA

## § 1218.104

(1) A husband and a wife who have title to, or leasehold interest in, a blueberry farm as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property; and

(2) So-called "joint ventures" wherein one or more parties to an agreement, informal or otherwise, contributed land and others contributed capital, labor, management, or other services, or any variation of such contributions by two or more parties.

(g) *Processed blueberries* means blueberries which have been frozen, dried, pureed, or made into juice.

(h) *Referendum agent* or *agent* means the individual or individuals designated by the Secretary to conduct the referendum.

(i) *Representative period* means the period designated by the Secretary.

(j) *United States* means collectively the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

### § 1218.102 Voting.

(a) Each person who is an eligible producer or an eligible importer, as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to cast only one ballot in the referendum. However, each producer in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce blueberries, in which more than one of the parties is a producer, shall be entitled to cast one ballot in the referendum covering only such producer's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate producer or importer, or an administrator, executor, or trustee or an eligible entity may cast a ballot on behalf of such entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible entity, or an administrator, executive, or trustee of an eligible entity and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall

submit adequate evidence of such authority.

(c) All ballots are to be cast by mail or by facsimile, as instructed by the Secretary.

### § 1218.103 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the period during which ballots may be cast.

(b) Provide ballots and related material to be used in the referendum. The ballot shall provide for recording essential information, including that needed for ascertaining whether the person voting, or on whose behalf the vote is cast, is an eligible voter.

(c) Give reasonable public notice of the referendum:

(1) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(2) By such other means as the agent may deem advisable.

(d) Mail to eligible producers and importers whose names and addresses are known to the referendum agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Order. No person who claims to be eligible to vote shall be refused a ballot.

(e) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of a third party authorized to monitor the referendum process.

(f) Prepare a report on the referendum.

(g) Announce the results to the public.

### § 1218.104 Subagents.

The referendum agent may appoint any individual or individuals necessary

## § 1218.105

or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

### § 1218.105 Ballots.

The referendum agent and subagents shall accept all ballots cast. However, if an agent or subagent deems that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

### § 1218.106 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on the results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the referendum and its results.

### § 1218.107 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Act and the voting list shall be held confidential and shall not be disclosed.

## PART 1219—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

### Subpart A—Hass Avocado Promotion, Research, and Information Order

#### DEFINITIONS

Sec.

- 1219.1 Act.
- 1219.2 Association.
- 1219.3 Conflict of interest.
- 1219.4 Consumer information.
- 1219.5 Crop year.
- 1219.6 Customs.
- 1219.7 Department.
- 1219.8 Exempt handler.
- 1219.9 First handler.

## 7 CFR Ch. XI (1–1–04 Edition)

- 1219.10 Fiscal period or marketing year.
- 1219.11 Handle.
- 1219.12 Hass avocado.
- 1219.13 Hass Avocado Board.
- 1219.14 Importer.
- 1219.15 Industry information.
- 1219.16 Marketing.
- 1219.17 Order.
- 1219.18 Part and subpart.
- 1219.19 Person.
- 1219.20 Producer.
- 1219.21 Programs, plans, and projects.
- 1219.22 Promotion.
- 1219.23 Research.
- 1219.24 Secretary.
- 1219.25 State.
- 1219.26 United States.

#### THE HASS AVOCADO BOARD

- 1219.30 Establishment and membership.
- 1219.31 Initial nomination and appointment of producer members and alternates.
- 1219.32 Initial nomination and appointment of importer members and alternates.
- 1219.33 Subsequent nomination and appointment of Board members and alternates.
- 1219.34 Failure to nominate.
- 1219.35 Term of office.
- 1219.36 Vacancies.
- 1219.37 Alternate members.
- 1219.38 Powers and duties.
- 1219.39 Board procedure.
- 1219.40 Committee procedure.
- 1219.41 Compensation and expenses.
- 1219.42 Prohibited activities.

#### BUDGETS, EXPENSES, AND ASSESSMENTS

- 1219.50 Budgets, programs, plans, and projects.
- 1219.51 Contracts and agreements.
- 1219.52 Control of administrative costs.
- 1219.53 Budget and expenses.
- 1219.54 Assessments.
- 1219.55 Exemption from assessment.
- 1219.56 Adjustment of accounts.
- 1219.57 Patents, copyrights, trademarks, publications, and product formulations.
- 1219.58 Importer associations.

#### BOOKS, RECORDS, AND REPORTS

- 1219.60 Reports.
- 1219.61 Books and records.
- 1219.62 Books and records of the Board.
- 1219.63 Confidential treatment.
- 1219.64 List of importers.
- 1219.65 List of producers.

#### MISCELLANEOUS

- 1219.70 Right of the Secretary.
- 1219.71 Suspension or termination.
- 1210.72 Proceedings after termination.
- 1219.73 Effect of termination or amendment.
- 1219.74 Personal liability.
- 1219.75 Separability.
- 1219.76 Amendments.
- 1219.77 OMB control numbers.